

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SWETA A. RAVAL,

Plaintiff,

v

Civil Case

Hon.:

USA TRUCK, INC. a Foreign for Profit
Corporation and JOHN PAUL TRICE,

Defendants.

R. THOMAS BIDARI (P41618)
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NOTICE OF REMOVAL

TO: CLERK OR THE COURT

NOW COMES Defendant USA TRUCK, INC., by and through its attorneys DICKIE, MCCAMEY & CHILCOTE, P.C., and hereby respectfully submits this Notice of Removal for the above-captioned case, and as grounds for removal states as follows:

1. Plaintiff filed an action against Defendant in the Circuit Court for the County of Wayne, State of Michigan. A copy of the Complaint is attached as Exhibit A pursuant to 18 U.S.C. § 1446(b).

2. Defendant USA TRUCK, INC., was served with a copy of the Complaint on or about April 23, 2021.

3. This case is being removed within thirty (30) days of service upon Defendant USA TRUCK, INC. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

4. The above-captioned matter is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and is one that may be removed to this Court by the petitioner Defendant USA TRUCK, INC., herein, pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action wherein the matter in controversy exceeds or may exceed the sum or value of Seventy-Five Thousand and 00/00 (\$75,000.00) dollars, exclusive of costs, attorney fees, and statutory interest, according to the allegations of the injuries and damages in the Complaint, and is between citizens of different states.

5. Upon information and belief, Plaintiff is a resident and citizen of the City of Wyandotte, County of Wayne and State of Michigan.

6. Defendant USA Truck, Inc., is a citizen of the state of Delaware, a Delaware Corporation and has its principal place of business in Van Buren, Arkansas.

8. Defendant John Paul Trice, at all times relevant, is a resident and citizen of the City of Hartman, County of Johnson and State of Arkansas.

9. Defendant John Paul Trice has yet to be served, but were service upon him effectuated, he is anticipated to concur with this Notice of Removal.

10. Defendant John Paul Trice's consent to removal would be proper under 28 U.S.C. § 1446(b)(2)(C).

11. Pursuant to 28 U.S.C. § 1446(d), a Notice to Adverse Party of Removal to Federal Court, attached hereto as Exhibit B, together with this Notice of Removal, will be served upon counsel for Plaintiff and will be filed with the clerk of the Circuit Court of the County of Wayne.

WHEREFORE, Defendant USA TRUCK, INC., gives notice that this action is therefore removable to this Court pursuant to 23 U.S.C. § 1441 because it is within this Court's original "diversity" jurisdiction and no Defendant properly joined is a citizen of Michigan.

Respectfully Submitted,

By: /S/ TIMOTHY S. GROUSTRA
TIMOTHY S. GROUSTRA (P48966)
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DATED: May 21, 2021

AFFIDAVIT OF COUNSEL

STATE OF MICHIGAN)
)SS
COUNTY OF WAYNE)

The undersigned, being first duly sworn, deposes and states that he is the attorney for Defendant USA TRUCK, INC. in the above-entitled cause of action; that he has read the foregoing Notice of Removal; that he knows the contents thereof; and that the same is true to the best of his knowledge, information and belief.

/S/ TIMOTHY S. GROUSTRA
TIMOTHY S. GROUSTRA (P48966)

Subscribed and sworn to before me
the 21st day of May, 2021.

/s/ Kelly Sander
Kelly Sander
Notary Public, Macomb County, MI
My commission expires: March 26, 2023
Acting in Wayne County

PROOF OF SERVICE

On May 21, 2021, I served, via email and first class mail, a copy of the foregoing upon all counsel of record at their respective addresses. I declare under penalty of perjury that this statement is true to the best of my knowledge, information, and belief.

/s/ Holly R. Peseski

Holly R. Peseski

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